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HIGH COURT OF CHHATTISGARH AT BILALSPUR

SB : HON'BLE SHRI DILIP RAOSAHEB DESHMUKH, J.

M.A. (C) NO. 977 OF 2007

APPELLANTS
Claimants

1. Smt. Maina Bai, W/o. Late Salikram aged about 40 years.
2. Ravindra S/o. Late Salikram aged about 16 years
3. Devendra S/o. Late Salikram, aged about 12 years
4. Ku. Lalita, D/o. Late Salikram, aged about 14 years.

No.2 to 4 minors, through natural guardian mother Maina Bai, All r/o. village and post Sirpur, P.S. & Tahsil Devri, District Godiya (Maharastra)

Vs.

RESPONDENTS

1. Ambika Prasad, S/o. Ramchandra Yadav, R/o. Majdiha, P.S. Sahganj, Distt. Jaonpur (UP)
2. Roshan Prasad, S/o. M.L. Jaiswal, 57/6 B.T.Road, Ful Bagan (WB)
3. Policy Issuing Office, The New India Insurance Company Ltd., 39 Daigod Harber Road, Kalkatta, Through Branch Manager, The New India Insurance Company Limited, Kamthi line, Rajnandgaon (CG)

Miscellaneous Appeal under Section 173 of the Motor Vehicle Act, 1988

Present : Shri Gautam Khetrapal, counsel for the appellants.

Shri N.K.Agrawal, Sr. Advocate with Shri Deepak Gupta, counsel for respondent No.3/Insurance Company.

Shri K.L. Daswani, Divisional Manager, Insurance Company present in person.

ORAL ORDER
(Passed on 24.08.2007)

Heard.

2. Being aggrieved by the impugned award dated 10.05.2007 passed by the First Additional Motor Accident Claims Tribunal, Rajnandgaon, District Rajnandgaon (CG) (henceforth 'the MACT') in Claim case No. 129/2005, whereby a sum of Rs. 2,97, 500/- has been awarded towards compensation, the appellants/claimants have

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preferred this appeal for enhancement of the compensation.

3. During the course of arguments a settlement was arrived at whereunder the Insurance Company agreed to pay a sum of Rs. 72,000/- over and above the compensation already awarded by the First Additional Motor Accident Claims Tribunal, Rajnandgaon by depositing the same within a period of two months from today.

4. Shri Gautam Khetrapal, counsel for the appellants/claimants agrees to the settlement.

5. In view of the settlement arrived at, it is ordered that the respondent No.3/Insurance Company shall pay additional sum of Rs. 72,000/- over and above the amount of compensation already awarded by the M.A.C.T., Rajnandgaon in Claim Case No. 129/2005 within the period of two months from today.

6. With the aforesaid direction, the miscellaneous appeal stands disposed of. A copy of this order be sent to the MACT forthwith. The MACT shall on deposit of compensation ensure :

(a) that the claimants/appellants are noticed about the award and to appear before the MACT, in person along with their pass book of an account in a nationalized bank.

(b) that the pass book of the claimants is accompanied by the photograph and is duly verified by the bank and the same is also verified by the MACT before insurance of cheque,

(c) that a direction is issued to the concerned bank not to release the amount in favour of any person, other than the claimants unless ordered by the MACT.

Sd/-
Dilip Raosaheb Deshmukh
Judge